

ATTACHMENT A

REMARKS

Claims 1-9 stand pending in the present application. By this Amendment, Applicants have amended claims 1 and 9. Applicants respectfully submit that the present application is in condition for allowance based on the discussion which follows.

The Examiner has maintained the objection to the specification for failing to properly label the "Brief Description of the Drawings" section alleging that the Applicants have failed to address this objection in their response. Contrary to the Examiner's allegation, Applicants specifically did respond to the objection with regard to the lack of label for the "Brief Description of the Drawings" on page 4, second paragraph of the Applicants' February 3, 2003 Amendment. Specifically, Applicants respectfully declined to accept the Examiner's "suggestion to include subject headings such as 'Brief Description of the Drawing' in the present specification as such a heading is not mandatory and moreover, due to recent changes to the method by which an applicant amends the specification, amending the specification to include the subject headings would incur unnecessary additional costs." (February 3, 2003 Amendment, page 2, second paragraph.) However, in order to move this case forward, Applicants have amended the specification on page 5 between lines 35 and 36 to include the heading "Brief Description of the Drawing" thereby obviating the objection to the specification for failing to include such a heading.

Claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph as being unclear as to what is involved in the step of "allowing the virus to propagate". Further, the claims were rejected as being vague for the use of the term "which are

immortalized". By this Amendment, Applicants have amended claim 1 to more clearly recite Applicants' invention which more clearly describes the immortalized fibroblast cells and the propagation of the virus thereby obviating the rejection to the claims under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection to the claims be withdrawn.

Claim 9 was rejected under 35 U.S.C. § 102 as being anticipated by Brugh et al (hereinafter "Brugh"). The Examiner alleges that although the Applicants argue claim 9 is not directed to a virus per se, but to a virus preparation, claim 9 is actually drawn to the virus and not a virus preparation. By this Amendment, Applicants have amended claim 9 to be more commensurate with the arguments in Applicants' February 3, 2003 Amendment. Accordingly, claim 9 has now been amended to recite the virus and any associated impurities that are specific for the avian cell line used in the production of the virus produced by the method of claim 1. Thus, claim 9 is drawn to a virus preparation which comprises the virus and any associated impurities, not the virus per se.

Therefore, since claim 9 is directed to the virus and impurities specific for the cell substrate used in the method of claim 1, claim 9 is not taught or suggested by Brugh.

Therefore, Applicants respectfully request that the rejection to claim 9 as being anticipated by Brugh under 35 U.S.C. § 102(b) be withdrawn.

In view of the foregoing, Applicants respectfully submit that upon entrance of the present amendment, the present application will be placed in condition for allowance, and such action is earnestly solicited.

END REMARKS

ATTACHMENT B
Amendments to the Specification

Please insert the following new paragraph/heading at page 5, between lines 35 and 36.

| BRIEF DESCRIPTION OF THE DRAWING

ATTACHMENT C

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A method for producing viruses, said method comprising:
 - infecting an avian cell line with a virus, ~~wherein the avian cell line comprises~~ comprising immortalized, but untransformed avian embryonic fibroblast cells or their progeny ~~which are immortalized, but untransformed and which comprise~~ comprising, in their genome, the SV40 T+t gene,
 - ~~allowing propagating the virus to propagate~~, and
 - harvesting the virus.
2. (Original) The method of claim 1, wherein the virus is an avian virus.
3. (Original) The method of claim 1, wherein the virus is a duck virus.
4. (Original) The method of claim 1, wherein the virus is chosen from the group consisting of duck adenovirus, duck parvovirus and duck reovirus.
5. (Original) The method of claim 1, wherein the SV40 T+t gene is under the control of the MTI promoter.

6. (Original) The method of claim 1, wherein the cells comprise in their genome the SV40 promoter which is functionally linked to the gene for resistance to neomycin.

7. (Original) The method of claim 1, wherein the cells comprise in their genome at least one LTR sequence.

8. (Original) The method of claim 1, wherein the cell line is cell line TDF-2A, which is deposited in the CNCM under reference number I-1712.

9. (Currently Amended) A The virus preparation and any associated impurities that are specific for the avian cell line used in the production of the virus produced by the method of claim 1.